

APPEAL NO. 023063  
FILED JANUARY 24, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 6, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_, and did not have disability. The claimant appeals this decision. The appeal file contains no response from the respondent (carrier).

DECISION

Affirmed.

Whether the claimant sustained a compensable injury and had disability were factual questions for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The claimant complains on appeal that the fact that he was not physically present at the hearing "hurt his testimony." The hearing record does not reflect that the claimant requested a continuance in order to be present at the hearing, or that he objected to testifying by phone. Under these facts, we perceive no error in the hearing officer rendering a decision based, in part, on the claimant's testimony via telephone.

The hearing officer's decision and order is affirmed.

The true corporate name of the insurance carrier is **FIRST AMERICAN INSURANCE COMPANY (now ARCH INSURANCE COMPANY)** and the name and address of its registered agent for service of process is

**JAMES W. FISHER  
8111 LBJ FREEWAY  
DALLAS, TEXAS 75251.**

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Chris Cowan  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Susan M. Kelley  
Appeals Judge